

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

FEBRUARY 23, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 23, 2010 at 3:05 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable H. Lamar Willis, Vice-Chair
The Honorable Joyce Sheperd
The Honorable Yolanda Adrean
The Honorable Keisha Lance Bottoms
The Honorable Natalyn M. Archibong**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were: Jerry Deloach, Dianne Mitchell, Lem Ward and Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss, Shawn Jones, Major Christopher Leighty and Director Malachi Hull, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Raines Carter, City Solicitor; Doug Mincher, Court Clerk/Administrator; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:05 p.m. after declaring a quorum present. He then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

10-R-0338 (1) Claim of **Sylvester Jones, through his attorney, Sheryl L. Burke**, for damages alleged to have been sustained as a result of an automobile accident on October 19, 2009 at 1967 Browns Mill Road, SE. **\$7,900.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0339 (2) Claim of **Tremayne McReynolds, through her attorney, Precious Anderson-Scott**, for damages alleged to have been sustained as a result of a trip and fall in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **\$6,500.00**
- 10-R-0340 (3) Claim of **Gail Lipscomb, through her attorney, Jeffery R. Nabors, Esq.**, for bodily injuries alleged to have been sustained due to an automobile accident on July 31, 2009 at Memorial Drive, SE and Bill Kennedy Way. **\$6,000.00**
- 10-R-0341 (4) Claim of **Pamela M. Yarbrough**, for damages alleged to have been sustained as a result of a sewer back-up on September 13, 2009 at 2870 Ridge Valley Road. **\$3,771.43**
- 10-R-0342 (5) Claim of **Janice Boyd Neal**, for damages alleged to have been sustained as a result of an automobile accident on July 17, 2009 on I-20 eastbound. **\$3,245.25**
- 10-R-0343 (6) Claim of **Permanent General Companies, Inc., as subrogee of Gaynell P. Simon**, for vehicular damages alleged to have been sustained from an automobile accident on September 20, 2009 at Martin L. King, Jr. Drive, NW. **\$2,212.74**
- 10-R-0344 (7) Claim of **Progressive Insurance Company, as subrogee of Terry Jackson**, for damages alleged to have been sustained as a result of a vehicular accident on November 15, 2009 at Memorial Drive at Grant Street. **\$1,896.71**
- 10-R-0345 (8) Claim of **Cassandra Denson**, for damages alleged to have been sustained as a result of a sewer backup on June 12, 2008 at 1445 Harbin Road, SW. **\$1,879.57**
- 10-R-0346 (9) Claim of **Christopher E. Johnson**, for damages alleged to have been sustained as a result of striking a pothole on November 7, 2009 at 3065 Brownsmill Road. **\$1,867.25**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0347 (10) A **Substitute** Claim of **David Locker**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road. **\$1,687.95**
- 10-R-0348 (11) Claim of **Eric Estroff**, for damages alleged to have been sustained as a result of driving over a failed construction cut on December 6, 2009 at 2115 Monroe Drive. **\$1,386.81**
- 10-R-0349 (12) Claim of **Jules Zigah**, for damages alleged to have been sustained as a result of driving over a recessed manhole on October 24, 2009 at 650 Ponce de Leon Avenue. **\$1,190.25**
- 10-R-0350 (13) Claim of **Constance Brownlow**, for damages alleged to have been sustained as a result of striking a recessed water valve in the roadway on October 19, 2009 at 2125 Joseph E. Boone Boulevard. **\$1,135.69**
- 10-R-0351 (14) Claim of **Timothy Dunlap**, for damages alleged to have been sustained as a result of an automobile accident on November 30, 2009 at 880 Cherokee Avenue, SE. **\$875.40**
- 10-R-0352 (15) Claim of **Chance Hindman**, for damages alleged to have been sustained as a result of striking a vehicle with a Herbie Curbie on October 29, 2009 at 1200 Monroe Drive. **\$814.09**
- 10-R-0353 (16) Claim of **Nicholas Bristow**, for damages alleged to have been sustained as a result of striking a damaged water manhole on December 1, 2009 at 718 Ponce de Leon Avenue, NE. **\$700.00**
- 10-R-0354 (17) Claim of **Lachlan B. Butcher**, for damages alleged to have been sustained as a result of an automobile accident on June 7, 2009 at Forsyth Street, SW and Trinity Avenue, SW. **\$574.50**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0355 (18) Claim of **Vincent R. Sims, Jr. and Michelle T. Sims**, for damages alleged to have been sustained as a result of striking a pothole on November 18, 2009 at 3065 Brownsmill Road. **\$550.00**

Claims with unfavorable recommendations:

- 10-R-0356 (19) Claim of **Terrance J. Johnson, through his attorney, James R. Hodges, Esq.**, for damages alleged to have been sustained from an arrest on January 1, 2009 at 2424 Piedmont Road, NE.
- 10-R-0357 (20) Claim of **Nationwide Insurance, as subrogee of Tina and Homer Ridley**, for damages alleged to have been sustained as a result of an automobile accident on July 9, 2009 at 820 James Jackson Parkway, NW.
- 10-R-0358 (21) Claim of **Belinda Morris**, for property damages alleged to have been sustained from an automobile accident on April 24, 2009 at Joseph E. Lowery Boulevard and Joseph E. Boone Boulevard.
- 10-R-0359 (22) Claim of **Craig Pickett and his unnamed minor child, through their attorney, Nicole Jones, Esq., Jones Federal & Appellate, LLC**, for damages alleged to have been sustained from an unlawful arrest on August 15, 2008 at Atlantic Station.
- 10-R-0360 (23) Claim of **William Moore, through his attorney, Michael Rosenbloum, Zevin & Rosenbloum, PC**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on October 3, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0361 (24) Claim of **Kathleen Van Fleet**, for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-0362 (25) Claim of **Kristina Rudski Murphy**, for bodily injuries alleged to have been sustained from a slip and fall incident on May 9, 2009 at 70 Boulevard NE, MLK North Natatorium.
- 10-R-0363 (26) Claim of **Lenore G. Conroy**, for damages alleged to have been sustained as a result of an automobile accident on December 1, 2009 at 1200 Howell Mill Road.
- 10-R-0364 (27) Claim of **Joseph G. Haser**, for damages alleged to have been sustained as a result of a sewer backup on January 8, 2009 at 3733 Peachtree Road, NE.
- 10-R-0365 (28) Claim of **Delores Lundy**, for damages alleged to have been sustained as a result of a vehicular accident at 651 14th Street on May 29, 2009.
- 10-R-0366 (29) Claim of **Jodi Gibson**, for damages alleged to have been sustained as a result of striking metal plates on October 22, 2009 at 2221 Peachtree Road.
- 10-R-0367 (30) Claim of **USAA, as subrogee of James Rosenfeld**, for damages alleged to have been sustained as a result of striking a damaged curb on October 3, 2009 at 1264 Lavista Road.
- 10-R-0368 (31) Claim of **James Rosenfeld**, for damages alleged to have been sustained as a result of striking a damaged curb on October 3, 2009 at 1264 Lavista Road.
- 10-R-0369 (32) Claim of **Tracy Ganesh**, for damages alleged to have been sustained when a court date was rescheduled on November 4, 2009 at 150 Garnett Street, SW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0370 (33) Claim of **Verizon Wireless c/o Joel A. Berry, CPA, J. Berry & Company**, for damages alleged to have been sustained from a real estate lease overpayment from October 2001 through April 2006 at 55 Trinity Street, SW.
- 10-R-0371 (34) Claim of **Marvin Johnson**, for property damages alleged to have been sustained during a tree trimming project in December 2009 at 1392 Northwest Drive, NW.
- 10-R-0372 (35) Claim of **Earl Wasserman**, for damages allegedly sustained as a result of driving over an unsecured metal plate on November 16, 2009 at 5600 Glenridge Drive, Sandy Springs.
- 10-R-0373 (36) Claim of **Centraarchy**, for damages alleged to have been sustained as a result of a power outage on August 24, 2009 at 1015 Crown Pointe Parkway.
- 10-R-0374 (37) Claim of **Emma Jean Raglin**, for damages alleged to have been sustained as a result of a sewer backup on August 24, 2009 at 1211 Tuckawanna Drive.
- 10-R-0375 (38) Claim of **Victoria B. Watson**, for damages alleged to have been sustained as a result of striking a tree limb protruding in the roadway on December 2, 2009 at 570 Lynhurst Drive, SW.
- 10-R-0376 (39) Claim of **State Farm Insurance Companies, as subrogee of Todd D. Stephen**, for property damages alleged to have been sustained when a tree limb fell and struck a parked vehicle on October 16, 2009 at 665 Pylant Street.
- 10-R-0377 (40) Claim of **David T. Thompson**, for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on September 18, 2009 at 1215 Piedmont Avenue, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0378 (41) Claim of **Eric Gibbons, through his attorney, Sam Starks,** for damages alleged to have been sustained as a result of a sewer backup on July 12, 2008 at 3457 Dale Lane.
- 10-R-0379 (42) Claim of **Suzanne St. Paul,** for vehicular damages alleged to have been sustained when a construction sign was blown off on December 9, 2009 at 163 West Wieuca Road, NE.
- 10-R-0380 (43) Claim of **Wendy M. Bell,** for bodily injuries alleged to have been sustained from a fall on an escalator on December 12, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0381 (44) Claim of **Dewayne Taylor and Russell Tucker,** for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-0382 (45) Claim of **Glenn Murer,** for damages alleged to have been sustained as a result of a water meter leak on November 24, 2008 at 2095, 2097 and 2099 Liddell Drive.
- 10-R-0383 (46) Claim of **State Farm Insurance Companies, as subrogee of Christopher Vaky,** for damages alleged to have been sustained as a result of an automobile accident on November 7, 2009 at Peachtree Road, NE and West Paces Ferry Road, NE.
- 10-R-0384 (47) Claim of **Vicki V. Knox, through her attorney, James H. Wall, Esq., C. David Joyner, PC,** for damages alleged to have been sustained from an arrest on August 24, 2008 at 1129 Avon Avenue, SW.
- 10-R-0385 (48) Claim of **The Hartford, as subrogee of Dorothy Moore,** for bodily injuries alleged to have been sustained due to a fall on February 17, 2009 at 77 Forsyth Street.

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REGULAR

D. ORDINANCES FOR SECOND READING

- 10-O-0388 (1) An Ordinance by Councilmembers Michael J. Bond, H. Lamar Willis, Keisha Lance Bottoms, Aaron Watson, C. T. Martin, Ivory L. Young, Jr., Cleta Winslow, Joyce Sheperd and Kwanza Hall to amend Article III, ("Pawnbrokers"), of Chapter 122, ("Secondhand Goods"), of the Code of Ordinances of the City of Atlanta, Georgia, by creating a new Section 122-88 to be entitled "Location Restrictions" so as to regulate the location of Pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn; and for other purposes.
(Councilmember Young made a motion to hold at the request of the author.)

HELD

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes.
(Councilmember Young made a motion to hold for legal review, at the request of the Law Department.)

HELD

- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes.
(Councilmember Young made a motion to hold for further review and discussion by the committee.)

HELD

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E. RESOLUTION

- 10-R-0389 (1) A Resolution by Councilmember Michael J. Bond to express the intent of the Atlanta City Council to provide that all Business License, Zoning and Variance Applications placed on the agenda of the relevant Neighborhood Planning Unit ("NPU") are also placed on the agenda of the adjacent NPU(s); to create a Task Force to recommend changes to the City of Atlanta Code of Ordinances to achieve said intent; and for other purposes.
(Councilmember Young made a motion to hold at the request of the author.)

HELD

F. PAPERS HELD IN COMMITTEE

- 10-R-0132 (1) A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussions)**

HELD

- 10-R-0137 (2) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0307 (3) An Ordinance by Councilmembers C. T. Martin, H. Lamar Willis, Kwanza Hall, Ivory L. Young, Jr. and Aaron Watson **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia (entitled "Pretrial Diversion Fee") so as to clarify the General Fund uses for which the fees shall be allocated; to waive conflicting ordinances; and for other purposes.
(Councilmember Young made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

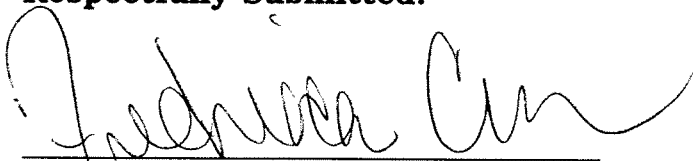
G. REQUESTED ITEMS

1. Councilmember Young made a request to Municipal Court, Office of Weed and Seed and Corrections to give a written report on how the Fund for the Offender Re-Entry Program would be used.
2. Councilmember Young and the Committee will schedule a work session addressing Police Zone and Beat Realignment (date and time TBD).

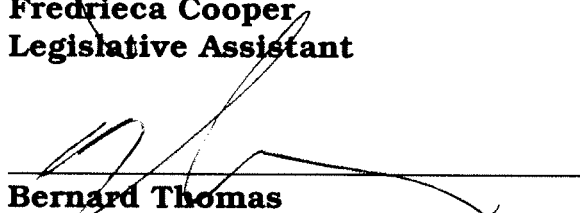
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There being no further business to come before the Committee, the meeting was adjourned at 3:37 p.m.

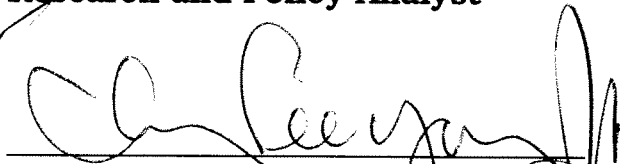
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee